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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
	:	Chapter 15
In re:	:	
	:	Case No. 18-11094 (SCC)
PERFORADORA ORO NEGRO, S. DE R.L.	:	(Jointly Administered)
DE C.V., <i>et al.</i> ,	:	
	:	
Debtors in a Foreign Proceeding.	:	
-----X	:	
GONZALO GIL-WHITE, PERSONALLY	:	Adv. Pro. No. 19-01294
AND IN HIS CAPACITY AS FOREIGN	:	
REPRESENTATIVE OF PERFORADORA	:	
ORO NEGRO, S. DE R.L. DE C.V. AND	:	
INTEGRADORA DE SERVICIOS	:	
PETROLEROS ORO NEGRO, S.A.P.I. DE	:	
C.V.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
ALP ERCIL, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

JOHN FREDRIKSEN'S MOTION FOR LEAVE TO FILE UNDER SEAL

Defendant John Fredriksen (“Fredriksen”), by and through his undersigned counsel, respectfully submits this Motion For Leave to File Under Seal (“Motion to Seal”) and, in support thereof, represents the following:

RELIEF REQUESTED

1. Pursuant to Section 107(b) of Title 11 of the United States Code (the “Bankruptcy Code”) and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Fredriksen moves for entry of an order substantially in the form attached hereto as Exhibit A (the “Proposed Order”), authorizing him to (i) file under seal unredacted copies of John Fredriksen’s Memorandum of Law in Support of His Motion to Dismiss the Complaint With Prejudice (the “Motion to Dismiss”), and (ii) file redacted copies of the Motion to Dismiss on the docket. In accordance with this Court’s Chambers Rules, and as specified in the Proposed Order, this relief would be without prejudice to the rights of any interested party to seek a later determination from the Court that the Motion to Dismiss or any part thereof should be unsealed.

JURISDICTION

1. This Court has jurisdiction to consider the Motion to Seal pursuant to 28 U.S.C. §§ 157 and 1134. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

BACKGROUND AND BASIS FOR RELIEF REQUESTED

1. On April 20, 2018, Alonso Del Val Echeverria, in his capacity as Foreign Representative for the debtors, commenced the above-referenced Chapter 15 proceeding (the “Chapter 15 Proceeding”).

2. On January 4, 2019, the Court entered a Confidentiality Agreement and Stipulated Protective Order (the “Protective Order”) in the Chapter 15 Proceeding that had been executed

by Mr. Del Val Echeverria as Foreign Representative, Seadrill Limited (“Seadrill”), and Fintech Advisory, Inc. (“Fintech”). The Protective Order governs the treatment of “Discovery Material” (as defined therein) that Seadrill or Fintech, as “Producing Parties,” might seek to maintain as confidential. (*See* Case No. 18-11094 (SCC), ECF No. 169.)

3. Paragraph 5(a) of the Protective Order permits a Producing Party to designate Discovery Material as “Confidential” if it “reasonably and in good faith believes that such Discovery Material constitutes or contains nonpublic or confidential research, development, financial, or other commercial information.” And Paragraph 5(b) thereof gives a Producing Party the right under certain circumstances to designate Discovery Material as “Highly Confidential.”

4. On June 6, 2019, Mr. Del Val Echeverria’s successor as Foreign Representative, Gonzalo Gil-White (“Plaintiff”), commenced this adversary proceeding by filing a Complaint against John Fredriksen and certain other defendants.¹ The Complaint was eventually refiled on June 12 and July 10 to address non-substantive issues. (*See* Case No. 19-1294 (SCC), ECF No. 9.) In the Complaint, Plaintiff redacted certain paragraphs which contained Discovery Material that had been designated “Confidential” or “Highly Confidential” by Seadrill and Fintech pursuant to the Protective Order.

5. In accordance with a Stipulated Service and Response Scheduling Order, which was so ordered by the Court on September 26, 2019, Fredriksen is responding to the Complaint today by filing the Motion to Dismiss and certain other supporting papers.

6. Fredriksen’s Motion to Dismiss references Paragraph 66 of the Complaint. Counsel for Seadrill and Fintech has advised that Paragraph 66 was partially redacted by Plaintiff

¹ Recent filings have indicated that Mr. Gil-White is no longer the Foreign Representative, having been replaced by an individual named Fernando Perez Correa Camarena.

because it contains information designated as Confidential or Highly Confidential by Seadrill and/or Fintech pursuant to the Protective Order. Counsel has therefore requested that Fredriksen's Motion to Dismiss be filed under seal in order to preserve the confidentiality of this Discovery Material.

7. Section 107(b) of the Bankruptcy Code provides in pertinent part: "On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may – (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information" 11 U.S.C. § 107(b)(1).

8. On the basis of the foregoing, and for the reasons described above, Fredriksen requests authority to file unredacted copies of the Motion to Dismiss under seal and redacted versions on the docket. Fredriksen seeks this relief without prejudice to his right to seek a subsequent determination from the Court that such materials should not be treated confidentially.

CONCLUSION

WHEREFORE, Fredriksen respectfully requests that the Court enter the Proposed Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: October 11, 2019
New York, New York

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